

ARTICLE 15

GENERAL REGULATIONS FOR HEIGHTS, YARDS, WALLS, FENCES, PROJECTIONS, ACCESSORY STRUCTURES and INFILL/REDEVELOPMENT CONSTRUCTION

15-1 HEIGHTS

15-1(a) MAXIMUM - Except as provided below, no building or structure (or part thereof) shall hereafter be erected or altered to a height greater than the maximum specified for the respective zone.

15-1(b) HOW MEASURED - For the purpose of this Zoning Ordinance, the "height" of a wall of a structure (or any part of a building) is the mean vertical distance from the established grade in front of the lot or the average grade at the base of the front façade of the building, whichever is higher, to the average height of the top of the cornice of a flat roof or roof line; to the deck line of a mansard roof; or to the middle of the highest gable or dormer in a pitched or hipped roof. If there are no gables or dormers, the "height" of a wall shall be to the middle of such pitched or hipped roof.

On a through lot, where the established grade differs on each street or alley, and it abuts on two or more streets or alleys of different established grades at the front of the lot, the higher grade shall control only for a depth of one hundred twenty (120) feet, measured perpendicularly back from the line of the higher street or alley.

On a corner lot, the height is the mean vertical distance from the average grade at the base of the building on the street of greatest width. If two or more such streets are of the same width, and one is at a higher elevation, it shall be from the highest of such grades. The height limitations, as controlled by the wider street, shall govern for a distance of one hundred twenty (120) feet, measured at right angles back from such wider street, unless parts of the one hundred twenty (120) feet are within a more restricted height zone.

15-1(c) EXCEPTIONS TO HEIGHT LIMITS - Notwithstanding other regulations in this Article, or the maximum specified for the respective zone, the height limits of this Zoning Ordinance shall not apply to the following:

- (1) Barns, silos, or other farm structures on farms; church spires, belfries, cupolas, and domes, not for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.
- (2) Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts; provided that such

structures shall not have an aggregate area greater than twenty-five percent (25%) of the lot area; and provided that no linear dimension of any such structure shall exceed fifty percent (50%) of the corresponding street lot line frontage if the structure is within twenty-five (25) feet of such street lot line.

- (3) Monuments or towers, including fire towers; hose towers; cooling towers; grain elevators; sugar refineries; gas holders; and other structures shall have no height limits where the manufacturing process requires a greater height; provided, however, that all such structures above the limiting heights specified in this Zoning Ordinance shall not occupy more than twenty-five percent (25%) of the area of the lot, shall be distant at least twenty-five (25) feet from every adjoining property line, and shall be set back one (1) foot from the otherwise required setback at the limiting height for each foot of vertical height that the structure exceeds the limiting height.
- (4) Solar heating and solar collection devices, provided such devices are no more than five (5) feet higher than the otherwise permitted maximum height for the zone in which they are located.

15-2 YARDS - Except as otherwise specified herein, every lot shall have a front yard, a rear yard, and a side yard on each side, the least depths of which shall not be less than those specified for the respective zone, or as contained in the small lot provisions for each residential zone.

15-2(a) FRONT YARDS

15-2(a)(1) REQUIRED FRONT YARD FOR REDEVELOPMENT OF A LOT - In any residential zone, whenever a principal structure is destroyed or demolished by any means, any subsequent principal structure on that lot shall be located within ten (10) feet of the same setback as the previous structure, except as provided in the small lot provisions established for each residential zone. Where the setback of the original structure cannot be determined, or if the lot is vacant, the setback of the new structure, including any projections, shall be within ten (10) feet of the average front yard of the principal structures on the two lots immediately adjoining on either side of the subject property, provided those structures are located in the same block front and within one hundred (100) feet of each side

of the lot. The front yard shall not be required to exceed the average depth of the front yards of existing buildings on the two lots immediately adjoining, but shall be at least ten (10) feet. In no event shall a building be constructed any closer than the least setback established by the averaging above, or as established on a plat of record.

15-2(a)(2) REQUIRED FRONT YARD FOR BUILDING ADDITIONS - In any residential zone, whenever an addition is made to the primary wall plane of an existing principal residential structure, any addition to that structure shall be located within ten (10) feet of the average front yard of the principal structures on either side of the subject property, provided they are located in the same block front and within one hundred (100) feet of each side of the lot. The front yard shall not be required to exceed the average depth of the front yards of existing buildings on the two lots immediately adjoining, but shall be at least ten (10) feet. If the lots on either side of the property in question are vacant, then the setback required for the specific zone shall be used to determine the front yard required for any building addition; but in no event shall a building be constructed any closer than the least setback established by the averaging above, or as established on a plat of record.

15-2(a)(3) YARD ON STREET SIDE ON LOT ADJOINING OR FACING A RESIDENTIAL ZONE - On a lot in any non-residential zone sharing the same block front with a lot in any residential zone, the depth of the minimum required front yard shall equal the required front yard depth for that residential zone, or as contained in the small lot provisions for the residential zone.

15-2(a)(4) FRONT YARDS ON THROUGH LOTS - On any lot which runs through a block from street to street, a front yard as otherwise required in the zone shall be provided along each street lot line. In residential zones, the small lot provisions will apply. In the event that one of the streets is an alley, the required front yard along the alley shall be the equivalent of fifty percent (50%) of the otherwise required front yard for the zone in which it is located. Alignment of existing structures shall not be used to determine a building line along a rear alley.

15-2(a)(5) FRONT YARDS NOT PARALLEL TO THE BUILDING - Where the front wall of a building is not parallel with the front lot line or is broken or otherwise irregular, the average depth of the front yard shall not be less than the front yard required for that zone, or as contained in the small lot provisions for residential zones. No wall of a building shall encroach more than five (5) feet into the otherwise required front yard depth.

15-2(a)(6) REQUIRED FRONT YARD FOR INFILL AND REDEVELOPMENT OF LOTS IN BUSINESS ZONES - On a lot in a business zone and inside the Infill & Redevelopment Area, the required front setback (minimum

and maximum) of the building shall be within five (5) feet of the average front yard of the principal structures on the two lots immediately adjoining on either side of the subject property, provided those structures are located in the same block front and within one hundred (100) feet of each side of the lot. This setback shall be considered more restrictive than the underlying zone setback when applicable.

15-2(b) SIDE YARDS

15-2(b)(1) SIDE YARDS DECREASED FOR NARROW LOT - For each foot by which an existing lot of record at the time of enactment of this Zoning Ordinance is narrower than fifty (50) feet, and where the owner of record does not own any adjoining property, one and one-half (1½) inches may be deducted from the required least width of any side yard for buildings not exceeding two and one-half (2½) stories in height. In no case may a side yard be narrower than three (3) feet at any point. For any lot within the designated Infill and Redevelopment Area, the special provisions for the Infill and Redevelopment Area contained in Article 8 shall take precedence.

15-2(b)(2) SIDE YARDS INCREASED FOR DEEP BUILDINGS - In any zone where a side yard is required, the least width of each side yard shall be increased by one (1) inch for each foot by which the side wall of a building adjacent to a side yard exceeds fifty (50) feet.

15-2(b)(3) ADDITIONAL YARD REQUIREMENTS FOR CERTAIN MULTI-FAMILY STRUCTURES - In addition to other yard requirements, whenever the principal entrance to a multi-family structure, or the entrance to the individual dwelling units therein, faces on and opens directly onto the side yard portion of the building, that side yard width shall not be less than the front yard requirement, or thirty (30) feet, whichever is greater. No parking shall be permitted within the side yard space required under this provision.

15-2(b)(4) SIDE STREET SIDE YARD - On a corner lot in any zone, the required least width of the side street side yard shall equal either the minimum front yard required for that zone or the existing alignment on the lot immediately adjoining, whichever is less. Notwithstanding the above, no such yard shall be required to exceed thirty (30) feet in a residential, business, or industrial zone.

15-2(b)(5) SIDE YARD EXCEPTIONS FOR ATTACHED DWELLINGS - In the case of attached dwelling units, the entire structure shall be considered as a single building with respect to side yard requirements.

15-2(b)(6) SIDE YARDS NOT PARALLEL TO THE BUILDING - Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the average width of the side yard shall not be

less than the otherwise required least width. At no point shall the side yard be narrower than one-half (½) the otherwise required side yard; nor shall it be narrower than three (3) feet, in any case.

15-2(b)(7) SIDE YARD FOR AN ADDITION TO AN EXISTING BUILDING - On any lot in a residential zone, where the principal structure does not meet the minimum required side yard for that zone, if the side yard is legally non-conforming, additions to the principal structure may be made which have the same side yard as the original structure. In no case shall the addition be closer than three (3) feet to the adjoining lot line. All provisions of Section 15-2(b)(2) regarding increased side yards for deep buildings shall apply.

15-2(c) REAR YARDS - Where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular, the average depth of the rear yard shall not be less than the otherwise required rear yard; provided, however, that such rear wall shall not at any point encroach any more than one (1) foot into the otherwise required rear yard.

15-3 YARD REQUIREMENTS ADJOINING A MORE RESTRICTIVE ZONE - Where a property adjoins the side or rear yard of a lot in another zone, the side or rear yard in the zone with the less restrictive yard requirements shall equal the adjoining side or rear yard (as appropriate) of the zone with the more restrictive yard requirements.

15-4 WALLS AND FENCES

15-4(a) BARBED WIRE / ELECTRIC FENCING - No barbed wire or electric fences shall be permitted within either a residential zone or a mobile home park zone. No barbed wire shall be permitted along any boundary adjoining a residential zone or a mobile home park zone unless such wire is located at least six (6) feet above ground level. Protective devices utilizing barbed wire may be installed upon walls or fences constructed or used in conjunction with a non-conforming commercial or industrial use in a residential zone. Unless otherwise prohibited by this section, barbed wire shall be permitted in all professional office, business, and industrial zones.

15-4(b) HEIGHT – The maximum height of walls and fences shall be regulated in accordance with the following table:

Zone	Maximum Height
1. Any residential or office zone; any business zone other than B-2, B-2A, B-2B or B-4.	a. Between any public or private street right-of-way and the front plane of the building, except an alley: 4 feet , with the following exceptions: 1. Where the front or side

	street side yard abuts an alley: 8 feet . 2. Where the property is a double-frontage lot, the frontage abutting an arterial highway or collector street where driveway access is prohibited (e.g., New Circle Road, Man o' War Boulevard, etc.): 8 feet . b. Side or rear yard (behind the front plane of the building): 8 feet . c. Any side street side yard abutting a street other than an alley, within 3 feet of the public or private right-of-way: 4 feet ; greater than 3 feet from the right-of-way: 6 feet .
2. Any B-2, B-2A or B-2B zone	a. Front yard: 6 feet . b. Side or rear yard: 8 feet .
3. Any agricultural, B-4 or Industrial zone	a. No limitation

For the purpose of this section, the height of a wall or fence shall be the vertical distance from the established grade at the fence or wall to the top of the fence or wall.

15-4(c) FENCE ORIENTATION ABUTTING PUBLIC PROPERTY - In all zones other than agricultural zones, where fencing is located adjacent to a public street, park or other publicly owned property, the fencing shall be installed with the structural members or framing directed inward toward the property.

15-5 PROJECTIONS

15-5(a) COVERED PORCHES, STAIRWAYS, TERRACES - Covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the established grade and does not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard no more than eight (8) feet; provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Section 15-5(d). Ramps providing handicap access for mobility purposes shall be permitted to extend into any required yard, to the extent necessary to further the goals of the Americans with Disabilities Act.

15-5(b) OUTSIDE STAIRWAYS - Outside stairways may extend up to (3) feet into any required side yard, provided the projection is at least three (3) feet from all lot lines; however, they may not extend more than five (5) feet into any required rear yard.

15-5(c) CHIMNEYS AND ORNAMENTAL FEATURES - Flues, belt courses, leaders, sills, lintels, ornamental features, cornices, eaves, gutters and the like, may not extend more than twenty-four (24) inches into any required yard. Chimneys and pilasters may extend up to twenty-four (24) inches into any required yard, provided they are at least three (3) feet from all lot lines.

15-5(d) MAXIMUM PROJECTION - Notwithstanding any other provision of this section, no projection, as listed above, shall extend into any required side yard more than one-half (½) the width of such yard, nor within ten (10) feet of the front lot line, within five (5) feet of the rear lot line, nor within three (3) feet of any accessory building. Such limitations shall not apply to terraces and steps inside yards, or to a loading dock or tailboard in connection with an industrial siding.

15-6 LOCATION, HEIGHT AND SIZE OF ACCESSORY BUILDINGS

15-6(a) LOCATION AND HEIGHT - The following provisions shall regulate the location and height of accessory buildings with respect to required yards:

- (1) Accessory buildings shall be prohibited in any required front yard or side street side yard.
- (2) Accessory buildings shall be distant at least six (6) feet from alley lines.
- (3) In any zone requiring a side yard or rear yard, the accessory building shall be distant at least one and one-half (1½) feet from any adjoining lot line. Where any portion of an accessory building projects between a principal structure and the side lot line, the accessory building shall comply with the side yard restriction for a principal structure in the zone in which it is located. Where a principal structure is later expanded to project past the front wall of an accessory structure, the accessory structure may remain at least one and one-half (1½) feet from any adjoining lot line.
- (4) The maximum height of accessory buildings shall be measured from the grade surrounding the structure to the apex of the gable and shall not exceed the elevation of the principal structure. In no case shall an accessory building exceed twenty (20) feet in height, measured at mid-gable.
- (5) Where a corner lot adjoins in the rear a lot in any residential zone, no part of an accessory building shall extend closer to the street than the actual or required (whichever is less) depth of the front yard for the principal structure on an adjoining lot.

15-6(b) MAXIMUM HEIGHT RESTRICTION IN NON-RESIDENTIAL ZONES - Accessory buildings in non-residential zones shall not exceed the maximum height restriction for the zone in which they are located.

15-6(c) MAXIMUM HEIGHT AND SIZE IN RESIDENTIAL ZONES - Accessory buildings in residential zones shall not exceed the lot coverage (building footprint) of the building(s) to which they are accessory, nor shall the maximum height of accessory buildings in residential zones exceed the requirements of Section 15-6(a)(4). The total size of all buildings accessory to dwelling units shall not exceed fifty percent (50%) of the total square footage of the building(s) to which they are accessory, or six hundred twenty-five (625) square feet, whichever is greater.

15-7 GENERAL REGULATIONS FOR INFILL AND RE-DEVELOPMENT CONSTRUCTION

15-7(a) NEW RESIDENTIAL CONSTRUCTION - All new residential structures and additions to the primary wall plane within defined Infill and Redevelopment Areas shall be subject to the following requirements:

- (1) A primary entrance for pedestrian access into each building shall be provided along the primary wall plane or its offsets.
- (2) A one-story projection on the primary wall plane of a building shall be provided and shall include at least one of the following:
 - a. A porch, a minimum of twelve (12) inches high, four (4) feet in depth and width; or
 - b. A canopy over the primary entrance, a minimum of three (3) feet in depth and width; or
 - c. A bay window, projecting a minimum of one (1) foot and being three (3) feet in height; or
 - d. A recessed entry, a minimum of three (3) feet in depth and four (4) feet in width that includes exterior steps, or an arched doorway.
- (3) A minimum of ten percent (10%) of the primary wall planes and side wall planes facing a public street shall be transparent glass, or any window or person door opening; but shall not exceed the maximum openings permitted under the Kentucky Building Code. Garage doors shall not be calculated in the wall plane area.
- (4) Garage doors located anywhere from four (4) feet behind the primary wall plane to the lot frontage shall be subject to at least one of the following criteria:
 - a. A garage door facing the lot frontage shall not exceed thirty percent (30%) of the surface of the building façade; or
 - b. The garage door shall be located a minimum of four (4) feet behind the primary wall plane; or
 - c. The garage door shall be perpendicular to the

lot frontage.

15-7(b) GROUP RESIDENTIAL PROJECTS - In addition to the requirements in Article 15-7(a), all Infill and Redevelopment Group Residential Projects shall be subject to the following requirements:

- (1) The choice of garage door location under Article 15-7(a)(4)(b) shall not be permitted.
- (2) At least seventy-five percent (75%) of the roof surface of the principal structure shall be covered by a minimum 4:12 pitched roof.
- (3) The maximum length of a primary wall plane for a structure shall be 160 feet.
- (4) A change of at least four (4) feet in depth and at least eight (8) feet in length shall occur for every forty (40) feet in a primary wall plane or side wall plane facing a public street.
- (5) All exterior lighting shall require a lighting cutoff, concealing the source of lighting visible from all property lines of the site.
- (6) The maximum height of freestanding exterior lighting fixtures shall be twenty-five (25) feet.

15-7(c) CONFLICT OF INFILL STANDARDS WITH DESIGN GUIDELINES IN A LOCAL HISTORIC (H-1) DISTRICT - In the event the provisions of Sections 15-7(a) and (b) above would conflict with the adopted Design Guidelines applied by the Board of Architectural Review as a part of the Certificate of Appropriateness review and approval process, the H-1 guidelines shall be deemed to be the stricter requirement and shall control.

15-7(d) SPECIAL CONSIDERATIONS FOR SET-BACKS IN INFILL AND REDEVELOPMENT AREAS - The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood.

15-8 GENERAL REGULATIONS FOR LOCATION, HEIGHT AND SIZE OF SATELLITE DISH ANTENNAS - Satellite dish antennas shall be permitted in all zones and shall be subject to the following provisions regulating location, height and size:

- a. All roof and pole-mounted satellite dish antennas greater than six (6) feet in diameter shall be of the mesh type only, with not more than eighty-five percent (85%) of the surface being solid, and shall be painted a solid dark color.
- b. When located in an agricultural zone, satellite dish antennas shall be limited to:

- (1) One (1) per lot, for lots of ten (10) acres or less; for over ten (10) acres, no limit as to the number;
- (2) A maximum diameter of twelve (12) feet;
- (3) A maximum height of four (4) feet above the highest point of the principal building on the lot;
- (4) Shall be for private non-commercial use only and shall be accessory to a principal use on the property;
- (5) Shall not be visible from the road or from adjoining property, and shall be screened with landscaping material.

c. When located in any residential zone, satellite dish antennas shall be limited and regulated as follows:

- (1) Satellite dish antennas shall be prohibited in any required front yard;
- (2) For single family, duplex and townhouse dwellings, one (1) per dwelling unit;
- (3) For multi-family dwellings, one (1) per multi-family building;
- (4) For all other uses permitted in the residential zones not specifically provided for otherwise (e.g., schools, churches, nursing homes, etc.), one (1) per building;
- (5) The maximum diameter of any satellite dish antenna shall be twelve (12) feet;
- (6) The maximum height of any portion of the satellite dish antenna shall be four (4) feet above the highest point of the principal building on the lot, regardless of the height of the structure or the maximum height restriction in the zone;
- (7) All satellite dish antennas shall be for private non-commercial use only and shall be accessory to a principal use on the property.

d. When located in a business, office, or industrial zone, satellite dish antennas shall have no restriction as to location, height, size or number per lot.

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